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Serial No. 09/501,148

Filed February 9, 2000

Inventor Suffin et al.

For METHOD FOR CLASSIFYING AND TREATING PHYSIOLOGIC  
BRAIN IMBALANCES USING QUANTITATIVE EEG

Petition to Correct Inventorship;  
Statement of W. Hamlin Emory;  
Statement of Stephen C. Suffin; and  
Statement of Assignee

File no.: 10701-006

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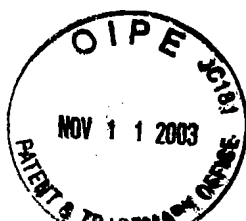
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Petition to Correct Inventorship;  
Statement of W. Hamlin Emory;  
Statement of Stephen C. Suffin; and  
Statement of Assignee

②



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors:	Stephen C. Suffin and W. Hamlin Emory (as amended)	Issued:	September 16, 2003
		Filed:	February 9, 2000
Patent No.:	6,622,036 B1	Art Unit:	3736
Serial No.	09/501,149	Examiner:	Robert L. Nasser
For:	METHOD FOR CLASSIFYING AND TREATING PHYSIOLOGIC BRAIN EMBALANCES USING QUANTITATIVE EEG	Attorney Docket No:	10701-006

**PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.324**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.134(a), the assignee and all inventors of the above-identified patent hereby petition the United States Patent and Trademark Office ("USPTO") to correct the inventorship of the above-identified patent by adding **W. HAMLIN EMORY** as a co-inventor.

In support thereof and pursuant to 37 C.F.R. §1.134(b), the following documents are submitted herewith:

1. Statement of W. Hamlin Emory stating that the inventorship error occurred without any deceptive intention on his part (Tab 1);
2. Statement of Stephen C. Suffin agreeing to the correction of inventorship (Tab 2); and
3. Statement of Assignee CNS Response Inc., complying with 37 C.F.R. § 3.73(b) and agreeing to the correction of inventorship (Tab 3).

It is respectfully submitted that all the requirements of 37 C.F.R. §§ 1.324(a & b) have been met, that the present Petition should be granted, and that W. Hamlin Emory be

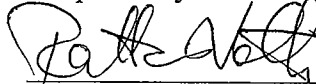
added as a co-inventor to the above-identified patent.

Please charge the estimated fee of \$130.00 pursuant to 37 CFR § 1.20(b) and any other fees that may be required to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

If any issues remain, the Examiner is invited to telephone the undersigned to discuss the same and to arrange for prompt and efficient handling of the above-captioned application.

Date: November 11, 2003

Respectfully submitted,



Laura A. Coruzzi

By: Rattan Nath.

(Reg. No.)

30,742

43,827

**PENNIE & EDMONDS** LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees:	Stephen C. Suffin and W. Hamlin Emory (as amended)	Issued:	September 16, 2003
		Filed:	February 9, 2000
Patent No.:	6,622,036 B1	Art Unit:	3736
Serial No.	09/501,149	Examiner:	Robert L. Nasser
For:	METHOD FOR CLASSIFYING AND TREATING PHYSIOLOGIC BRAIN IMBALANCES USING QUANTITATIVE EEG	Attorney Docket No:	10701-006

STATEMENT OF W. HAMLIN EMORY UNDER 37 C.F.R. § 1.324(b)(1)

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, W. HAMLIN EMORY, residing at 21609 Rambla Vista, Malibu, CA 90265,  
hereby declare and state as follows:

1. I have been inadvertently omitted as a co-inventor of the above-identified patent; and
2. The inventorship error of failing to include my name as a co-inventor of the above-identified patent occurred without any deceptive intention on my part.

Dated: 10-31-03

  
W. HAMLIN EMORY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees:	Stephen C. Suffin and W. Hamlin Emory (as amended)	Issued:	September 16, 2003
		Filed:	February 9, 2000
Patent No.:	6,622,036 B1	Art Unit:	3736
Serial No.	09/501,149	Examiner:	Robert L. Nasser
For:	METHOD FOR CLASSIFYING AND TREATING PHYSIOLOGIC BRAIN IMBALANCES USING QUANTITATIVE EEG	Attorney Docket No:	10701-006

STATEMENT OF STEPHEN C. SUFFIN UNDER 37 C.F.R. § 1.324(b)(2)

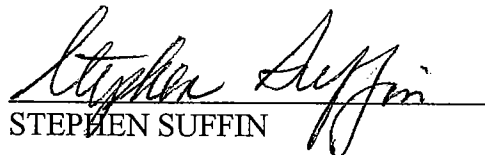
MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, STEPHEN C. SUFFIN, hereby declare and state as follows:

1. I am currently named as the only inventor of United States Patent No. 6,622,036 B1; and
2. I hereby consent to correct the inventorship by adding W. Hamlin Emory as a co-inventor of the above-identified patent.

Dated: 11/4/03

  
STEPHEN SUFFIN

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patentees:	Stephen C. Suffin and W. Hamlin Emory (as amended)	Issued:	September 16, 2003
		Filed:	February 9, 2000
Patent No.:	6,622,036 B1	Art Unit:	3736
Serial No.	09/501,149	Examiner:	Robert L. Nasser
For:	METHOD FOR CLASSIFYING AND TREATING PHYSIOLOGIC BRAIN IMBALANCES USING QUANTITATIVE EEG	Attorney Docket No:	10701-006

**STATEMENT OF ASSIGNEE UNDER 37 C.F.R. § 1.324(b)(3)**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

CNS RESPONSE, INC.(a corporation) by LEONARD BRANDT its President and CEO who is authorized to act on its behalf in patent matters, hereby declares and states as follows:

1. It is the assignee of the entire right, title, and interest in the above-identified patent by virtue of:

(i) an assignment from Stephen Suffin to CNS Response Inc. (copy attached), which has been recorded on June 15, 2000, at Reel 010904, Frame 0428, and

(ii) a supplemental assignment from Stephen C. Suffin and W. Hamlin Emory (copy attached), that is being submitted concurrently (copy attached) for recording in the United States Patent and Trademark Office.

2. It hereby consents to correct the inventorship of the above-identified patent by adding W. Hamlin Emory as a co-inventor of the above-identified patent.

CNS RESPONSE

BY:

Dated: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Leonard Brandt", is written over a horizontal line.

Leonard Brandt  
President and CEO  
CNS RESPONSE

Enclosure

Express Mail No. EV 326,325-047US First Class Mail ( )  
Date Mailed NOVEMBER 11, 2003  
Serial No. 09/501,149 Filed FEBRUARY 9, 2008  
Inventor SOFFIN et al.  
For METHOD FOR CLASSIFYING AND TREATING PHYSIOLOGIC BRAIN  
IMBALANCES USING QUANTITATIVE EEG

- |   |  |
|---|--|
| <input type="checkbox"/> Affidavit/Declaration  | <input type="checkbox"/> Fee Address Indication Form   |
| <input type="checkbox"/> Amendment <input type="checkbox"/> Response                                | <input type="checkbox"/> Fee Calculation   |
| <input type="checkbox"/> Application _____ pages  | <input type="checkbox"/> Issue Fee Transmittal   |
| <input type="checkbox"/> _____ claims _____ drawing sheets  | <input type="checkbox"/> Notice of Appeal  |
| <input checked="" type="checkbox"/> Assignment <input checked="" type="checkbox"/> Cover Sheet      | <input type="checkbox"/> Oral Hearing Request/Confirm  |
| <input type="checkbox"/> Brief (in triplicate)  | <input type="checkbox"/> Petition to Extend Time _____ month(s)  |
| <input type="checkbox"/> Declaration & Power of Attorney  | <input type="checkbox"/> Petition under 37 C.F.R. _____  |
| <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted <input type="checkbox"/> Copy | <input type="checkbox"/> Power of Attorney   |
| <input type="checkbox"/> Declaration of Inventor(s)   | <input type="checkbox"/> by Assignee <input type="checkbox"/> Associate <input type="checkbox"/> with Revocation |
| <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted <input type="checkbox"/> Copy | <input type="checkbox"/> Request for Correction of Filing Receipt  |
| <input type="checkbox"/> Design Application   | <input type="checkbox"/> Sequence Listing w/Computer Readable and Paper Copy                                     |
| <input type="checkbox"/> Disclaimer <input type="checkbox"/> Disclaimer Fee                         | <input type="checkbox"/> Small Entity Statement  |
| <input type="checkbox"/> Disclosure Statement <input type="checkbox"/> Form PTO-1449                | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> w/refs. <input type="checkbox"/> w/o refs.                                 | <input type="checkbox"/> Transmittal Letter  |
| <input type="checkbox"/> Drawings, Formal   |  |
| _____ Sheets _____ Figures  |  |

Other: \_\_\_\_\_

File No. 10701-006 Sender: LAC/RKM



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## ASSIGNMENT

WHEREAS, WE, **STEPHEN C. SUFFIN** and **W. HAMLIN EMORY**, ASSIGNORS, citizens of the United States, residing at 13151 Chandler Boulevard, Sherman Oaks, CA 91401 and 21609 Rambla Vista, Malibu CA 90265, are the inventors of the invention in **METHOD FOR CLASSIFYING AND TREATING PHYSIOLOGIC BRAIN IMBALANCES USING QUANTITATIVE EEG** for which we have executed an application for a Patent of the United States

- ☒ which is executed on ☒ even date herewith or ☐  
☒ which is identified by Pennie & Edmonds LLP docket no. 10701-006  
☒ which was filed on February 9, 2000, Application No. 09/501,149, and issued as Patent No. 6,622,036 B1 on September 16, 2003

and WHEREAS, **CNS RESPONSE, INC.**, ASSIGNEE, with principal offices located at 2510 N. Grand Avenue, Suite 206, Santa Ana, CA 92705-8754, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 11/4/03, 2003

Stephen C. Suffin

*Stephen C. Suffin*

L.S.

Date 10.31.03, 2003

W. Hamlin Emory

*W. Hamlin Emory*

L.S.

State of )

) SS.:

County of )

On \_\_\_\_\_, 2003, before me, \_\_\_\_\_, Notary Public, personally appeared **STEPHEN C. SUFFIN**, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of )

) SS.:

County of )

On \_\_\_\_\_, 2003, before me, \_\_\_\_\_, Notary Public, personally appeared **W. HAMLIN EMORY**, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Ventura

SS.

On November 4, 2003

Date

before me, Dyanne Villanueva Notary Public

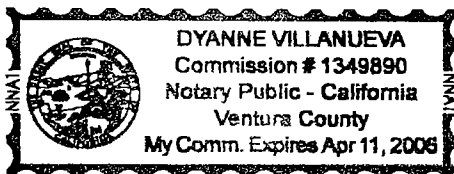
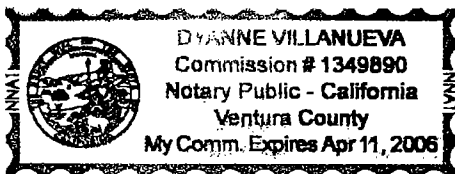
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared W. Hamlin Emory

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: In the United States Patent and Trademark Office

Document Date: 10/31/03

Number of Pages: 1

Signer(s) Other Than Named Above: N/A

### Capacity(ies) Claimed by Signer

Signer's Name: W. Hamlin Emory

☒ Individual

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: N/A

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Ventura

SS.

On

November 4 2003

before me,

Dyanne Villanueva Notary Public

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

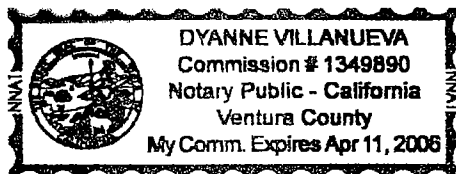
Stephen C. Suffin

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person ☒ whose name ☒ is ☒ subscribed to the within instrument and acknowledged to me that ☒ he ☒ she ☒ they executed the same in ☒ his ☒ her ☒ their authorized capacity(ies), and that by ☒ his ☒ her ☒ their signature ☒ on the instrument the person ☒ or the entity upon behalf of which the person ☒ acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public

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1 office

Signer(s) Other Than Named Above:

N/A

### Capacity(ies) Claimed by Signer

Signer's Name:

Stephen C. Suffin

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Himself

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here